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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2003

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A N A C T

RELATING TO APPLICATIONS FOR OPERATOR'S AND CHAUFFEUR'S LICENSES

Introduced By: Representatives Moura, Williams, Tejada, Slater, and McCauley

Date Introduced: February 12, 2003

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 3-8-6 and 3-8-6.1 of the General Laws in Chapter 3-8 entitled
2 "Regulation of Sales" are hereby amended to read as follows:

3 **3-8-6. Unlawful drinking and misrepresentation by underage persons --**
4 **Identification cards for persons twenty-one and older.** -- (a) It is unlawful for: (1) A person
5 who has not reached his or her twenty-first (21st) birthday to enter any premises licensed for the
6 retail sale of alcoholic beverages for the purpose of purchasing or having served or delivered to
7 him or her alcoholic beverages; or (2) A person who has not reached his or her twenty-first (21st)
8 birthday to consume any alcoholic beverage on premises licensed for the retail sale of alcoholic
9 beverages or to purchase, attempt to purchase, or have another purchase for him or her any
10 alcoholic beverage; or (3) A person to misrepresent or misstate his or her age, or the age of any
11 other persons, or to misrepresent his or her age through the presentation of any of the following
12 documents: (i) An armed service identification card, valid passport, the identification card
13 license, or any other documentation used for identification purposes that may belong to any other
14 person who is twenty-one (21) years or older; (ii) A motor vehicle operator's license which bears
15 the date of birth of the licensee, and which is issued by this state or any other state; (iii) A Rhode
16 Island identification card as defined in subsection (b) for the purpose of inducing any licensee or
17 any employee of any licensee, to sell, serve or deliver any alcoholic beverage to a minor.

18 (b) (1) The administrator of the division of motor vehicles shall issue to any person who
19 has reached his or her twenty-first (21st) birthday a Rhode Island identification card upon

1 payment of a fee of fifteen dollars (\$15.00), and, upon presentation of ~~a certified birth or~~
2 ~~baptismal certificate, or U.S. or foreign passport, or U.S. naturalization certificate or a valid~~
3 ~~immigrant or refugee document issued by the United States immigration and naturalization~~
4 ~~service, including, but not limited, to any one of the following: Form I-551, Form I-94, Form I-~~
5 ~~688A, and Form I-688, together with a document bearing the applicant's signature. the~~
6 documentation required by Rhode Island general laws section 31-10-12.1.

7 (2) A person who has reached his or her fifty ninth (59th) birthday is not required to pay
8 the fee.

9 (3) Each registration card shall be subject to renewal every five (5) years upon payment
10 of a fee of fifteen dollars (\$15.00).

11 (4) No person who holds an operator's license issued by this state or any other state shall
12 be issued a Rhode Island identification card.

13 (5) The identification card shall be signed by the administrator of the division of motor
14 vehicles and by the applicant and his or her picture shall appear on the card along with the
15 required information and the card shall be encased in laminated plastic. The card shall be two
16 inches (2") in height and four inches (4") in length and shall be printed in the following form:

17 RHODE ISLAND IDENTIFICATION CARD

18 Date Issued No.
19 First Name Middle Name Last Name
20 Address

21 BIRTHRECORD

22 Month Day Year

23 Secure Color Color Sex Ht. Wt.

24 Photo of hair of eyes

25 by Pasting

26 here

27 Issued by Administrator of the Division of Motor Vehicles

28

29
30 Administrator

31 (6) The identification cards shall be produced at the adult correctional institutions if they
32 have facilities to do so; if the adult correctional institutions have no facilities to do so, then all
33 cards shall be manufactured by the lowest responsible bidder following advertisement for the
34 solicitation of bids.

1 (7) The identification cards shall be clearly distinguishable from those issued pursuant to
2 section3-8-6.1 and operators' and chauffeurs' licenses issued pursuant to title 31.

3 (c) (1) Every retail Class A, B, C, and D licensee shall cause to be kept a book or
4 photographic reproduction equipment which provides the same information as required by the
5 book. That licensee and/or the licensee's employee shall require any person who has shown a
6 document as set forth in this section substantiating his or her age to sign that book or to permit the
7 taking of his or her photograph and indicate what document was presented. Use of the
8 photographic reproduction equipment is voluntary for every Class A, B, C and D licensee.

9 (2) The sign-in as minor book and photographic reproduction equipment shall be
10 prescribed, published, and approved at the direction and control of the division. The book shall
11 contain at least four hundred (400) pages, shall be uniform throughout the state, and shall be
12 distributed at a cost not to exceed seven dollars (\$7.00).

13 (3) If a person whose age is in question signs the sign-in as minor book or has a
14 photograph taken before he or she is sold any alcoholic beverage and it is later determined that
15 the person had not reached his or her twenty-first (21st) birthday at the time of sale, it is
16 considered prima facie evidence that the licensee and/or the licensee's agent or servant acted in
17 good faith in selling any alcoholic beverage to the person producing the document as set forth in
18 this section misrepresenting his or her age.

19 (4) Proof of good faith reliance on any misrepresentation is a defense to the prosecution
20 of the licensee and/or the licensee's agent or servant for an alleged violation of this section.

21 (d) (1) Any person who violates this section shall be punished for the first offense by a
22 mandatory fine of not less than one hundred dollars (\$100) nor more than two hundred fifty
23 dollars (\$250) and may be further punished by a suspension of his or her motor vehicle operator's
24 license or driving privileges for a period of not more than three (3) months; for the second offense
25 by a mandatory fine of not less than two hundred fifty dollars (\$250) nor more than five hundred
26 dollars (\$500) and may be further punished by a suspension of his or her motor vehicle operator's
27 license or driving privileges for a period of not more than six (6) months; and for the third and
28 subsequent offenses by a mandatory fine for each offense of not less than five hundred dollars
29 (\$500) nor more than one thousand dollars (\$1,000) and may be further punished by a suspension
30 of his or her motor vehicle operator's license or driving privileges for a period of not more than
31 one year.

32 (2) Any suspension of an operator's license or driving privilege pursuant to this section
33 shall not operate to affect the insurance rating of the offender and any operator's license or
34 driving privilege suspended pursuant to this section shall be reinstated without further expense

1 upon application.

2 (e) Within thirty (30) days after this incident the police chief of the city or town where
3 the incident took place is directed to inform, in writing, the department of business regulation
4 whether or not charges in accordance with this section have been preferred against a person who
5 has not reached his or her twenty-first (21st) birthday and has violated this section. If no charge is
6 brought against any person who has not reached his or her twenty-first (21st) birthday and has
7 violated the provisions of this section, then the police chief of the city or town where the incident
8 took place will state the reason for his or her failure to charge the person who has not reached his
9 or her twenty-first (21st) birthday.

10 (f) The Rhode Island identification card may be withdrawn at any time for just cause, at
11 the discretion of the administrator of the division of motor vehicles. The administrator of the
12 division of motor vehicles shall keep a record of the cards issued and each card shall contain an
13 identification number specifically assigned to the person to whom the card was issued.

14 **3-8-6.1. Identification cards for persons under the age of 21.** -- (a) (1) The
15 administrator of the division of motor vehicles shall issue to any person upon request, who is
16 under twenty-one (21) years of age, an identification card upon payment of a fee of fifteen dollars
17 (\$15.00), and, upon presentation of ~~a certified birth or baptismal certificate, or U.S. or foreign~~
18 ~~passport, or U.S. naturalization certificate, or a valid immigrant or refugee document issued by~~
19 ~~the United States immigration and naturalization service including, but not limited to, any one of~~
20 ~~the following: Form I 551, Form I 94, Form I 688A, and Form I 688, together with a document~~
21 ~~bearing the applicant's signature.~~ the documentation required by Rhode Island general laws
22 section 31-10-12.1. No person who holds an operator's license, issued by this state or any other
23 state, shall be issued an identification card.

24 (2) The identification card shall be subject to renewal every five (5) years upon the
25 payment of a fee of fifteen dollars (\$15.00).

26 (3) The identification card shall be signed by the administrator of the division of motor
27 vehicles and also by the applicant, and his or her picture shall appear on the card along with the
28 required information and the card shall be encased in laminated plastic. The card shall be two
29 inches (2") in height and four inches (4") in length and shall be printed in the following form:

30 IDENTIFICATION CARD

31 Date Issued No.

32 First Name Middle Name Last Name

33 Address

34 BIRTH RECORD

1 Month Day Year

2 Secure Color Color Sex Ht. Wt.

3 Photo of hair of eyes

4 by Pasting

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6 Issued by

7 Administrator of the Division of Motor Vehicles

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9

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11 Administrator

12 (4) The identification cards shall be produced at the adult correctional institution if they
13 have facilities to do so; if the adult correctional institutions have no facilities to do so, then all
14 cards shall be manufactured by the lowest responsible bidder following advertisement for the
15 solicitation of bids.

16 (5) The identification cards shall be clearly distinguishable from those issued pursuant to
17 section 3-8-6 and operators' and chauffeurs' licenses issued pursuant to title 31.

18 (b) The identification card may be withdrawn at any time for just cause, at the discretion
19 of the administrator of the division of motor vehicles. The administrator of the division of motor
20 vehicles shall keep a record of the cards issued and each card shall contain an identification
21 number specifically assigned to the person to whom the card was issued.

22 SECTION 2. Section 31-1-18 of the General Laws in Chapter 31-1 entitled "Definitions
23 and General Code Provisions" is hereby amended to read as follows:

24 **31-1-18. Resident and nonresident.** -- (a) "Nonresident" means any person who is not a
25 resident of this state ~~or is temporarily residing in this state as a student or as a member of the~~
26 ~~armed forces of the United States.~~

27 (b) "Resident" means a person:

28 (1) Who owns, rents, or leases real estate within the state as his or her residence and:

29 (i) Engages in a trade, business, or profession in this state; or

30 (ii) Enrolls his or her children in a school in this state for a period exceeding ninety (90)
31 days; or

32 (2) Who is registered to vote or is eligible to register to vote under the laws of this state; ;

33 or

34 (3) Who does not have, or has relinquished a driver's license from another state and

1 provides proof of residency in this state as required by section 31-10-12.1(d).

2 SECTION 3. Chapter 31-10 of the General Laws entitled "Operators' and Chauffeurs'
3 Licenses" is hereby amended by adding thereto the following section:

4 **31-10-12.1. Identification and residency documents for license.** – (a) An applicant for
5 an operator's or chauffeur's license shall be required to present an identity document, a document
6 with the applicant's signature, and two (2) documents providing proof of residency in Rhode
7 Island. Nothing contained herein shall prohibit the use of one (1) document, such as a passport,
8 for more than one purpose.

9 (b) Proof of identity shall be established by presentation of any one of the following
10 documents: an original or certified copy of a birth or baptismal certificate, U.S. or foreign
11 passport, U.S. naturalization certificate, INS form I-551, INS form I-94, INS form I-766, INS
12 form I-688A, or INS form I-688B; provided, however, that photocopies shall not be accepted, and
13 foreign birth or baptismal records must be translated and notarized.

14 (c) A signature document shall include any of the following: a passport, a social security
15 card, a work or school identification card, a credit card, or any other valid original document
16 signed by the applicant that can be used to verify his or her signature.

17 (d) Proof of residency in Rhode Island shall be established by presentation of any two (2)
18 of the following documents: a valid Rhode Island operator's license or learner's permit, a valid
19 Rhode Island identification card, a valid Rhode Island registration certificate, a valid Rhode
20 Island voter registration certificate, a utility bill in the last name of the applicant or in the name of
21 an immediate family member with the same last name, a personal check with applicant's name
22 and address printed, a statement from a bank with the applicant's name and address, including a
23 savings account passbook or a letter on the bank's letterhead stating the address they have on file
24 for the applicant, a payroll check with the applicant's name and address printed on it, a welfare
25 check stub or food stamp card with applicant's name and address, an insurance policy for house
26 or apartment with applicant's name and address, a valid original lease agreement with applicant's
27 name and address, a home mortgage with applicant's name and address, employer's records with
28 applicant's name and address, a state-issued marriage certificate with applicant's name and
29 address, records of state or federal governmental agencies with applicant's name and address,
30 including state or federal income tax return forms, school records with applicant's name and
31 address, including a letter on school's letterhead stating the address they have on file for the
32 applicant, a property tax bill for a house or vehicle with applicant's name and address, a retail
33 credit card statement with applicant's name and address, or a verified postal service change of
34 address form with the applicant's name and address.

1 (1) If the applicant is a minor, any of the above listed items with the applicant parent's
2 name and address will be accepted.

3 (2) Rent receipts, work identification, or personal mail for the applicant will not be
4 deemed acceptable proof of residency.

5 (e) Proof of citizenship in the United States shall not be required in order to qualify for an
6 operator's license. An applicant shall not be denied an operator's license based solely upon
7 his/her immigration status.

8 (f) In addition to the requirements contained herein, an applicant for an operator's or
9 chauffeur's license shall be required to submit a valid social security number that has been
10 assigned to that person. Notwithstanding any other law to the contrary, in the event that an
11 applicant does not have a valid social security number, an applicant may produce a valid
12 Individual Taxpayer Identification Number (ITIN) that has been assigned to that person by the
13 Internal Revenue Service; provided, however, such an alternative shall not be available to
14 applicants for a commercial license as established in section 31-10.3.

15 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO APPLICATIONS FOR OPERATOR'S AND CHAUFFEUR'S LICENSES

- 1 This act would expand the number of documents which can be used for the identification
- 2 required to obtain a driver's license.
- 3 This act would take effect upon passage.

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